

# RCE  
JFWMS RCE  
PATENT  
2907-0102P

## IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: NIEBOER et al Conf.: 5065  
Appl. No.: 09/624,076 Group: 3624  
Filed: July 24, 2000 Examiner: PATEL, J.  
For: DOUBLE DUTCH AUCTION FOR ESTABLISHMENT  
AND MINIMIZATION OF SALES PRICE OF  
GENERIC FUNGIBLE ITEMS

REQUEST FOR CONTINUED EXAMINATION  
UNDER 37 C.F.R. § 1.114

MS RCE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

12 AHB  
August 16, 2004

Sir:

This is a "Request for Continued Examination" under 37 C.F.R. § 1.114, the provisions of which do not apply to:

(1) A provisional application; (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) An international application filed under 35 U.S.C. §363 before June 8, 1995; (4) An application for a design patent; or (5) A patent under reexamination.

Submission of an RCE is limited to an application in which prosecution is closed; e.g. final rejection, Ex Parte Quayle; or notice of allowability

☒ This Request for Continued Examination is being filed prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted; (2) Abandonment of the application; or (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. § 141, or the commencement of civil action under 35 U.S.C. §§ 145 or 146, unless the appeal or civil action is terminated.

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02 FC:2253385.00 OP  
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- ☒ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- ☐ The enclosed document is being transmitted via facsimile.
- ☒ Submission Required under 37 C.F.R. § 1.114:

Enter as part of the present submission:

- ☒ An After Final Amendment previously filed on , under 37 C.F.R. § 1.116 but unentered, in the present application.
- ☐ Arguments in the Appeal Brief or Reply Brief previously filed on .
- ☐ A Reply Under Rule 1.111, attached hereto. Claim fee(s) are calculated as set forth below:

	TOTAL NUMBER OF CLAIMS PREVIOUSLY PAID FOR	TOTAL NUMBER OF CLAIMS BEING FILED HEREWITH	NUMBER <u>EXTRA</u>	Large Entity		Small Entity	
				Rate	Fee	Rate	Fee
Total Claims	24	24 =	0	X 18	\$	X 9	\$
Independent Claims	3	1 =	0	X 84	\$	X 42	\$
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM				280	\$	140	\$
TOTAL CLAIM FEE(S)						\$0.00	

- ☐ An Information Disclosure Statement (IDS) and PTO-1449 form(s) is/are attached hereto for the Examiner's consideration.
- ☐ Other:
- ☐ Miscellaneous
- ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ( ) months. (Period of suspension shall not exceed 3 months.)

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☒ **Fees**

The required fee under 37 C.F.R. § 1.17(e) as required by 37 C.F.R. § 1.114 when the RCE is filed, is enclosed herewith:

☒ \$385.00 - small entity

☐ \$770.00 - large entity

☐ The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained in the prior application. Thus, a fee of \$475.00 is required for the full period of the above-requested extension of time.

☐ An extension of ( ) month(s) was previously requested and paid for on in the instant application. Thus, a fee of \$0.00 is required to obtain an additional ( ) month(s) extension.

☐ The fee of \$130.00 under 37 C.F.R. § 1.17(d) for suspension of action is enclosed.

☒ Enclosed is(are) check(s) in the total amount of \$860.00 for the applicable filing fee, additional claims fee, suspension fee, and/or extension fees.

☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

By Anthony Laws Birch  
Anthony Laws Birch  
Reg. No. 26,122

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Bethesda, MD 20814  
(301) 652-6647

ALB/bb  
2907-0102P

<p><b>Certificate of Transmission</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to:</p> <p>Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22202</p> <p>Signature: <u>Anthony Laws Birch</u></p> <p>Printed Name: <u>Anthony L. Birch</u></p> <p>Date: <u>August 16, 2004</u></p>
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attachments

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(Rev. 04/30/03)